

**ITEM 6c
9:35 a.m.
May 9, 2024**

From: Maria Kann <mariackann@gmail.com>

Sent: Tuesday, May 7, 2024 10:26 PM

To: Lake County Community Development - Planning Counter <planningcounter@lakecountyca.gov>; Dist1 PlanningComm <dist1planningcomm@lakecountyca.gov>; Dist2 PlanningComm <dist2planningcomm@lakecountyca.gov>; Dist3 PlanningComm <dist3planningcomm@lakecountyca.gov>; Dist4 PlanningComm <dist4planningcomm@lakecountyca.gov>; Dist5 PlanningComm <dist5planningcomm@lakecountyca.gov>

Cc: Don Van Pelt <don@cllava.com>

Subject: [EXTERNAL] Public Comment Deny **UP 20-33 Liu Farms**

Please post this comment to the online planning commission meeting calendar for Liu Farms UP 20-33 on May 9, 2024. Don Van Pelt is without a computer at this time and asked that I submit his comment on his behalf. Thank you.

My wife and I support a moratorium on planning commissions projects on cannabis until further studies are done on road maintenance, traffic studies, fire mitigation, pollution, natural resource protection, accountability and other issues that could impact the areas in question. We believe a relatively high bond should be posted by individuals who are trying for a permit as insurance against damages caused by their operations. As a reference, SourzHVR was allowed to cause extensive environmental damage that was well documented by all the infractions issued by Fish and Game. Please deny UP 20-33 and use caution before issuing any more permits.

Thanks Don & Margie Van Pelt

From: Maria Kann <mariackann@gmail.com>

Sent: Tuesday, May 7, 2024 3:41 PM

To: Lake County Community Development - Planning Counter <planningcounter@lakecountyca.gov>; Lake County Community Development <CDD@lakecountyca.gov>; Dist1 PlanningComm <dist1planningcomm@lakecountyca.gov>; Dist2 PlanningComm <dist2planningcomm@lakecountyca.gov>; Dist3 PlanningComm <dist3planningcomm@lakecountyca.gov>; Dist4 PlanningComm <dist4planningcomm@lakecountyca.gov>; Dist5 PlanningComm <dist5planningcomm@lakecountyca.gov>

Cc: Redbud Audubon <redbud.audubon@gmail.com>; Donna Mackiewicz <donnamackiewicz@gmail.com>; richard.ramirez@wildlife.ca.gov

Subject: [EXTERNAL] Please Post CDFW Comment to 5/9/24 Planning Commission UP 20-33

Please post this letter from California Department of Fish and Wildlife to the scheduled planning commission meeting online documents on 5/9/24 for UP 20-33 as it is missing from the supporting documents.

CDFW states the initial study does not mention the occurrence of bat species or the concern for roosting bat sites and considers roosting bat sites as a significant biological resource. Also discussed is the inadequate analysis of and the significant potential impact to the tri-colored blackbird. Several aspects of cannabis cultivation can irreparably harm their population and must be considered before allowing these sites to be disrupted and destroyed. CDFW recommends, as does the Redbud Audubon Society in a letter dated March 05, 2023, that another more in-depth biological study be done by qualified biologists during the nesting season of Feb. 15th through Aug. 31st.

Thank you for your help uploading this document.

Sincerely,
Maria Kann

To the Lake County Planning Commissioners,

I hold an interest in a neighboring parcel to where this project is being proposed, and I am writing to express my strong support for this proposed project in Middletown. I believe that approving this development will greatly benefit our community and the entire County of Lake.

My relationship with James Comstock, through our involvement in the LCCA, has shown me that he is a reputable and caring individual deeply invested in our local community. The Comstock family's longstanding contributions to local sports, churches, schools, and civic projects underscore their commitment to Middletown and Lake County.

James has shared with me the remarkable legacy of his family's ranching history in Northern California since 1841. This enduring tradition is truly remarkable, and I understand their concerns about the challenges of continuing this historic practice without diversifying into alternative farming practices such as cannabis cultivation.

Having embarked on my own adjacent cannabis cultivation project, I can attest that traditional agriculture like grazing and hay production may not be economically feasible for them. Since initiating my project, I have generated hundreds of thousands of dollars in tax revenue to the county, significantly benefiting the local community by stimulating revenue, job creation, and fostering opportunities. Should the Planning Commission grant approval for this project, I anticipate similar positive outcomes for the county and city as well.

The legal cannabis industry, distinct from its illicit counterpart, is highly regulated with stringent rules to protect both the community and the environment. I am confident that the operators of this proposed project will uphold these regulations, contributing positively to all of our surroundings.

In closing, I urge the Planning Commissioners to approve this project, given the exemplary quality of the applicants and the significant potential for economic and community benefits it will bring to Middletown and Lake County.

Sincerely,



Damien Ramirez

From: Michelle Irace
Sent: Wednesday, May 8, 2024 1:00 PM
To: Ruby Mitts
Cc: Danae LoDolce; Trish Turner; Mireya Turner
Subject: Correspondence from CDD Staff for Item 6c (Liu Farms UP 20-33)

Hi Ruby,
Can you please forward this email as correspondence received from CDD Staff to the Commissioners for Item 6c?

Thank you,
Michelle Irace, Principal Planner

Good Afternoon Commisisoners,

This email is in regards to proposed Use Permit UP 20- 33 for Liu Farms, included for consideration as Item 6c on the May 9 agenda. Regarding the comments received from CDFW that were forwarded from Maria Kann on May 7, 2024, Staff notes that the CDFW comments were inadvertently omitted in the Agency Comments (Attachment 8 of the May 9 Staff Report). Upon review of the Biological Resources Assessment and submitted CDFW comments, Staff notes that the Tricolored Blackbird and the Pallid bat were included in the list of species found within the CNDDDB search completed for the project (refer to Biological Resources Assessment Table 1, *Special-status Species Reported by CNDDDB in the Vicinity of the Study Area*). While a detailed discussion of particular species is not included in the impact analysis section of the assessment (5.2.1), it notes that the project could have an impact on bird and nesting species and provides mitigation for pre-construction nesting surveys. The surveys would include all special status species noted in Table 1 of the assessment, including Tricolored Blackbird and Pallid bat. However, in response to CDFW comments, staff proposes the following modifications to the existing mitigation measures to further strengthen them.

BIO-1: ~~Prior to ground disturbing activities or removal of If the establishment of cultivation operations requires the removal~~ of pine forest or the destruction of chapparal habitat, a pre-construction survey for special-status ~~plant and animal~~ species should be performed by a qualified biologist ~~prior to vegetation clearing or grading~~ to ensure that special-status species are not present. If any listed species or special-status species are detected, construction should be delayed, and the appropriate wildlife agency, either the California Department of Fish and Wildlife or the US Fish and Wildlife Service, should be consulted, and Project impacts and mitigation should be reassessed.

BIO-2: Prior to ground ~~disturbing activities, including but not limited to grading~~, removal of ~~vegetation~~, trees or shrubs, or disturbance to riparian habitat, ~~and if these activities~~ occurring during the nesting season (~~usually March February 15th~~ to September 1), a pre-construction survey for the presence of special-status bird ~~and roosting~~ species (~~including the tricolored blackbird and pallid bat~~), or any nesting bird species should be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests ~~or roosts~~ are identified in these areas, the California Department of Fish and Wildlife or the US Fish and Wildlife Service should be consulted to develop measures to avoid a "take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

Please also note that the Biological Resources Assessment was included in the Property Management Plan (see page 129 of the PDF) uploaded for the March 14, 2024 Planning Commission hearing. When the Property Management Plan was redacted to remove confidential information after the March 14 hearing, the Biological Resources Assessment was also inadvertently removed. As such, it is not included in the Property Management Plan posted for the May 9 hearing. However, a link to the March 14 hearing documents (including the Property Management Plan and Biological Resources Assessment) is included in the published May 9 Staff Report, and also provided below for reference.

[24-212 - Property Management Plan \(Cultural Resources Study Redacted\) \(legistar.com\)](#).

Thank you,



Michelle Irace

Principal Planner, Community Development Department

255 N. Forbes St. Lakeport, CA 95453

Phone: (707) 263-2221 x 38121

Email: michelle.irace@lakecountyca.gov

STAY CONNECTED:





ITEM 6c
9:05 a.m.
May 9, 2024

May 6, 2024

County of Lake
Resource Planning
255 N Forbes St
Lakeport, CA 95453

Re: UP 20-33 IS 20-39 8531 High Valley Road - Liu Farms
8531 High Valley Road, Clearlake, CA 95423

Dear Lake County Resource Planning,

Thank you for giving us the opportunity to review the subject plans. The proposed UP 20-33 IS 20-39 8531 High Valley Road - Liu Farms is within the same vicinity of PG&E's existing facilities that impact this property.

The UP 20-33 IS 20-39 plans propose a cultivation and security fencing area below PG&E's existing electric transmission tower line and within PG&E's existing easement, as indicated on subject plans. Proposed plans show a 40-foot-wide (40') electric transmission easement, which is incorrect. Said easement is 80-foot-wide (80') which is building and structure prohibitive (40-foot (40')) on either side of said described line) and is recorded at book 216 and Page 246 with Lake County Official Records. Along the border of the transmission line easement, plant only small trees no taller than ten feet (10'). PG&E's existing easement provides PG&E the right to cut down any trees and clear away any brush which may interfere with the operation of PG&E's electric transmission tower line. Any noncompliant landscaping planted may be at risk of removal for the continued safe operation and maintenance of PG&E's electric transmission tower line. All construction activities must comply with the attached electric facility guidelines.

Your proposed cultivation site area and security fencing design will impact PG&E's ability to maintain these facilities. No buildings, structures or wells of any kind are allowed within the easement area. Please revise plans to show no structures or wells of any kind within the existing 80-foot-wide (80') easement area.

Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782 and PG&E's Service Planning department at www.pge.com/cco for any modification or relocation requests, or for any additional services you may require.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact me at Brian.Callaghan@pge.com.

Sincerely,

Brian Callaghan
Land Management
(925) 204-4074



Electric Facilities Page 1

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. **Buildings and Other Structures:** No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. **Grading:** Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. **Fences:** Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. **Landscaping:** Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. **Reservoirs, Sumps, Drainage Basins, and Ponds:** Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. **Automobile Parking:** Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.



PG&E Electric Facilities Page 2

7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.

8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

Haggerty, Nicole@Wildlife



From: Ramirez, Richard@Wildlife
Sent: Thursday, August 10, 2023 2:31 PM
To: trish.turner@lakecountyca.gov
Cc: Wildlife R2 CEQA; Sheridan, Kursten@Wildlife; Garcia, Jennifer@Wildlife; Haggerty, Nicole@Wildlife
Subject: CEQA Comments: UP 20-33 Liu Farms
Attachments: CEQA_PT2020-0187-0000-R2-CmntRef.docx

ITEM 6C
9:35 a.m.
May 9, 2024

Hello,

My name is Richard Ramirez, I am an Environmental Scientist contacting you on behalf of the California Department of Fish and Wildlife, North Central Region Cannabis Program (CDFW). CDFW received and reviewed the Initial Study (IS) from Lake County regarding the Notice of Intent (NOI) to file for a Mitigated Negative Declaration (MND) for Liu Farms Cannabis Cultivation Project (Project). This email is in regard to the request for CEQA comments, received by CDFW Staff on August 1, 2023. The following comments have been provided:

Mitigation Measure BIO-2

Mitigation Measures BIO-2 (MM BIO-2) acknowledges the potential presence of active bird nests and the need for inspections before any tree felling or ground clearing, however it states that the nesting bird season occurs during March to September. CDFW recognizes the nesting bird season occurring from approximately February 15th to August 31st and recommends a similar time frame for any potential surveys.

Bat Roosting Sites

The IS for the project does not recognize the potential for the occurrence of bat species in the surrounding area and does not disclose concern for bat roosting sites. Roosting sites for bats are considered by CDFW to be a significant biological resource. Based on review of Project materials the Project site contains potential habitat for structure and tree roosting bats. Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment, (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). CDFW recommends bat preconstruction surveys are conducted for suitable roosts (i.e. hollows or crevices) prior to any tree felling or ground disturbing activities, and incorporating a new measure to construct replacement roost structures (bat houses or other structures) if the removal of a bat roost (inactive or active) is necessary for the Project.

Tricolored Blackbird

Issue: The CEQA document does not adequately analyze Project impacts on tricolored blackbird (*Agelaius tricolor*).

Evidence impact would be significant: Consistent with CEQA Guidelines, Section 15380, the status of the tricolored blackbird as a threatened species under the California Endangered Species Act (Fish & G. Code, § 2050 *et seq.*) qualifies it as an endangered, rare, or threatened species under CEQA.

Tricolored blackbird populations, which once numbered in the millions in California, have declined significantly in recent years according to state censuses (CDFW 2018). The long-term decline is primarily related to habitat loss and degradation (including both the nesting vegetation and the larger foraging landscape) from urbanization and conversion to agriculture, particularly in the Central Valley (Beedy et al. 2017). Tricolored Blackbirds require three resources for successful nesting: 1) secure nesting vegetation, 2) a source of water, and 3) foraging habitat (usually much larger in extent than the nesting vegetation) that provides sufficient insect

food resources. Loss of any of these habitat components can result in an area becoming unsuitable for breeding. Additional known or suspected threats to the tricolored blackbird include destruction of breeding colonies when nesting vegetation is harvested, high levels of predation by native and nonnative predators, direct and indirect (food resources) effects of pesticides, killing as an agricultural pest through shooting or poisoning, drought, and climate change. The species' colonial breeding nature puts them at increased risk to many of these threats (CDFW 2018).

Based on the foregoing, Project impacts would potentially substantially reduce the number and restrict the range of tricolored blackbirds.

The following are potential impacts of cannabis cultivation on tricolored blackbirds.

Pesticides used at cannabis cultivation sites may impact tricolored blackbirds by:

- Poisoning (Fleischli et al. 2004, Pimentel 2005, Mineau and Palmer 2013)
- Starvation or reductions in reproductive success from decreased prey availability (Goulson 2014, Hallmann et al. 2014, Forister et al. 2016)
- Alterations of the thyroid gland that negatively impacts thyroid homeostasis and metabolism (Pandey and Mohanty 2015)
- Impaired immune function (Gibbons et al. 2015)
- Reduction in reproductive capacity, including declines in egg production and reduced clutch sizes (Beedy and Hayworth 1992, Pimentel 2005, Berny 2007, Gibbons et al. 2015)
- Decreased ability to thermoregulate and short-term hypothermia (Grue et al. 1997)
- Declines in fat stores and body mass (Gibbons et al. 2015, Eng et al. 2017)
- Disorientation which may inhibit regular behavior and movement

Pesticides and fertilizers can also run-off into watersheds polluting them and degrading habitat quality (Bauer et al. 2015, Carah et al. 2015). Fertilizer run-off has also been shown to cause algae outbreaks in wetlands.

Vegetation removal for cultivation sites may impact tricolored blackbirds as they require sufficient vegetation to provide cover for the nest (Beedy 2008). This is especially true at sites where Tricolored Blackbird colonies have bred in the past, or when the vegetation removed includes plant species that provide high quality nesting habitat (e.g. emergent wetland plants, Himalayan blackberry, thistles, nettles, and certain agricultural grain fields). Vegetation removal can also reduce the extent of available foraging habitat, which is critical for successful nesting by Tricolored Blackbird colonies. Additionally, vegetation clearing can cause fragmentation and create edge effects that permeate far beyond the cultivation site (Harris 1988, Murcia 1995).

Invasive plant species may also reduce habitat quality for tricolored blackbirds, and many activities involved in cannabis cultivation can exacerbate this issue. Imported soils used on many cultivation sites can often contain invasives (Butsic and Brenner 2016), and road use can increase the spread of invasive plant species (Brothers and Spingarn 1992, Greenberg et al. 1997). Areas where greenhouses are constructed also often become degraded and are prone to establishment of invasives as are areas where vegetation removal is taking place (Mallery 2010).

Noise from road use, generators, and other equipment may disrupt tricolored blackbird mating calls or songs which could impact their reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). Noise has been shown to reduce the density of nesting birds (Francis et al. 2009). Bayne et al. (2008) found that songbird abundance and density was significantly reduced in areas with high levels of noise.

Artificial light may attract or disorient tricolored blackbirds, disrupting their navigation (Ogden 1996, Longcore and Rich 2004, 2016). It can also suppress the immune system of birds (Moore and Siopes 2000). Additionally, songbirds that live in areas with artificial lights often begin morning choruses during night hours (Derrickson 1988, Miller 2006, Fuller et al. 2007).

Therefore, Project impacts on tricolored blackbirds would be **potentially significant**.

Pursuant to Public Resources Code §21092 and §21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the Project to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Please direct any questions or action items to my email or phone number, provided below.

Thank You,

Richard Ramirez, Environmental Scientist

North Central Region
Habitat Conservation – Cannabis Program
1701 Nimbus Rd.
Rancho Cordova, CA 95670
Cell: (916) 932-3201
richard.ramirez@wildlife.ca.gov



To report poachers and polluters please call 1-888-334-2258.



